

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA, )

Plaintiff, )

vs. )

JASON TODD KINDLE, )

Defendant. )

2:05-cr-073-RLH-LRL

**O R D E R**

Before this Court is the Report and Recommendation of United States Magistrate Judge (#40, filed January 3, 2006), entered by the Honorable Lawrence R. Leavitt, regarding Defendant's Motion to Suppress Firearm and Statements (#16). An objection (#50) was filed to Magistrate Judge Leavitt's Report and Recommendation of United States Magistrate Judge in accordance with Local rule IB 3-2 of the Rules of Practice of the United States District Court for the District of Nevada. The Government filed a Response (#51) thereto, and the matter was submitted for consideration.

The court has conducted a *de novo* review of the record in this case in accordance with 28 U.S.C. §636(b)(1)(B) and (C) and Local Rule IB 3-2 and determines that the Report and Recommendation of Magistrate Judge Leavitt should be affirmed.

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1 IT IS THEREFORE ORDERED that Magistrate Judge's Report and Recommenda-  
2 tion (#40, entered January 3, 2006) is AFFIRMED, and Defendant's Motion to Suppress Firearm  
3 and Statements (#16) is denied.

4 Dated: February 28, 2006.

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6 **ROGER L. HUNT**  
7 **U.S. District Judge**